

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|-----------------------------------|---|------------------|
| SUMMIT FARMS, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | 8:09CV328 |
| vs. |) | |
| |) | ORDER |
| AINSWORTH FEED YARDS, LLC, |) | |
| |) | |
| Defendant. |) | |

On November 6, 2009, the parties were directed to confer pursuant to Fed. R. Civ. P. 26(f) and report to the court no later than November 30, 2009. Plaintiff was granted an extension to December 4, 2009 because defense counsel could not be contacted. On December 4, plaintiff unilaterally filed a Rule 26(f) planning report (Filing 16) advising that defense counsel failed to respond to numerous e-mail and telephone requests to conduct the necessary planning conference. The defendant did not request any extension of time to comply with Rule 26(f).

IT IS ORDERED:

1. Counsel for the defendant shall, no later than **December 10, 2009**, contact plaintiff's counsel to schedule a planning conference. Failure to do so will result in the issuance of an order for the defendant to show cause why monetary and other sanctions should not be assessed against the defendant pursuant to Fed. R. Civ. P. 37.

2. The parties are given until **December 16, 2009** to file a joint Rule 26(f) planning report. If no joint report is filed, the court may adopt the provisions of the plaintiff's planning report (Filing 16).

DATED December 8, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**